

**CAPITAL PROJECTS ADVISORY REVIEW BOARD**

**304 15<sup>th</sup> Avenue SW  
John A. Cherberg Building  
Conference Rooms B and C  
Olympia, Washington  
September 10, 2009  
9:00 AM**

**Draft Minutes**

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**MEMBERS PRESENT**

**REPRESENTING**

**MEMBERS ABSENT**

Daniel Absher	General Contractors
Vince Campanella	General Contractors
Norman Strong	Architects
Damon Smith	Engineers
Rocky Sharp	Specialty Contractors
Ed Kommers (Vice Chair)	Specialty Contractors
David D. Johnson	Construction Trades Labor
Mark Riker	Construction Trades Labor
Cynthia Cooper	OMWBE
Christopher Hirst	Private Industry
Olivia Yang	Higher Education
John Lynch	GA
Larry Byers	Insurance/Surety Industry
Rodney Eng	Cities
Gary Rowe	Counties
Robert Maruska	Ports
Dan Vaught	School Districts
Rep. Kathy Haigh	House (D)
Rep. Bruce Dammeier	House (R)
Senator Dale Brandland	Senate (R)

Senator Rodney Tom	Senate (D)
John Ahlers	Private Industry
Vacant	Public Hospital Districts

**STAFF & GUESTS**

Nancy Deakins, GA  
Searetha Kelly, GA  
Cheri Lindgren, Puget Sound Meeting Services  
Jeanne Rynne, OSPI  
Van Collins, AGC  
Dan Lincoln, Lincoln Construction, Inc.  
Paul Galeno, King County  
Penny Koal, PRC  
Larry Stevens, MCAWW, NECA  
Mike Myette, Utility Contractors Association of WA

Don Aarts, Bayley Construction  
Mike Purdy, UW  
Dick Lutz, Centennial Construction  
Jim Borrow, KCDA  
Jim Anderson, Burton Construction  
Stan Bowman, AIA/WA  
Phil Lovell, PRC  
Louis Patin, Gordian Group  
Ginger Eagle, WA Public Ports Association

### **Welcome & Introductions**

Chair Robert Maruska called the Capital Projects Advisory Review Board (CPARB) meeting to order at 9:01 a.m. Everyone present provided self-introductions. A meeting quorum was attained.

*Daniel Absher arrived at the meeting.*

### **Approve Agenda**

**Vince Campanella** moved, seconded by **Dave Johnson**, to approve the agenda as presented. Motion carried.

### **Approve May 14, 2009 Meeting Minutes**

**Ed Kommers** moved, seconded by **Rocky Sharp**, to approve the May 14, 2009 minutes with the following correction replacing “Mr. Burton” with “Mr. Anderson” on page 2. Motion carried.

### **Public Comments**

There were no public comments.

### **Report from Project Review Committee**

Phil Lovell, Chair, Project Review Committee (PRC), reported on May 28, 2009, a panel of the PRC was convened to consider a project application by Kennewick General Hospital for the General Contractor Construction Manager (GC/CM) process for a new hospital and adjacent medical office building. The panel approved the project application. No project or certification applications were submitted in July.

*Rodney Eng arrived at the meeting.*

The next meeting is on September 24, 2009. Sound Transit is applying to use GC/CM on the new University of Washington (UW) Light Rail Station project.

*Representative Kathy Haigh arrived at the meeting.*

Members discussed how the PRC is managing applications during the bi-monthly meeting schedule and meeting the 60-day response requirement. Mr. Lovell advised that the PRC meeting schedule is posted on the website. A quorum of the full committee is required for certification applications. A panel of eight members is convened for project application approvals. There is capacity in the budget to convene panels on a monthly basis if required.

### **Membership for CPARB and PRC**

Nancy Deakins reported that the Governor’s Office reappointed Daniel Absher, Olivia Yang, and Larry Byers to serve a second four-year term expiring on June 30, 2013. Rocky Sharp did not reapply. General Administration (GA) staff will assist the Governor’s Office in recruiting this fall. The Association of Washington Public Hospital Districts is working to identify a candidate for the vacancy.

Senator Dale Brandland shared that he considered resigning from the Board because of legislative commitments and the distance. His schedule has slowed down and he plans to continue serving on the CPARB.

*Olivia Yang arrived at the meeting.*

Ms. Deakins reviewed PRC membership. At the May 14, 2009 CPARB meeting, the Board agreed to extend expiring terms for six months giving PRC members the opportunity to consider whether they want to serve another two-year term. GA will conduct a public recruitment process and the CPARB will make a final decision on whether positions will be filled by incumbents or new members. Interested candidates have been placed on a reserve list.

***There were no objections to using a public recruitment process and maintaining a list of interested candidates.***

Ed Kommers said Mike Myette, recently submitted an online application to the Governor's Office seeking to serve on the CPARB representing specialty contractors.

Ms. Deakins provided additional information on the status of Tony Benjamin's position on the PRC. Staff did not have the correct email address or other contact information. Mr. Benjamin indicated he never received an appointment letter or communication from Eric Smith on behalf of the PRC. He plans to serve his term.

For Mr. Sharp's position, the Governor's directive is for members to serve until replaced. Ms. Deakins reported GA is working with the Governor's Office on recruitment announcements. A joint CPARB/PRC recruitment process is planned with a mid-October 2009 deadline.

**King County Directors Association Presentation – Job Order Contracting**

Jim Borrow, Executive Director, King County Directors Association (KCDA), reported KCDA was created in 1938. The concept at that time was to pool and leverage purchasing power to obtain better pricing. KCDA grew rapidly. By the late 1980s, 294 of the 295 school districts in the state became members. The Interlocal Cooperation Act (ICA) allowed the agency to reorganize and reissue Articles of Incorporation to include public agencies of municipal corporations and political subdivisions. There are approximately 1,000 associate members.

KCDA is a separate legal entity. The cooperative is owned by school districts. KCDA operates under the same legal requirements as a school district and handles all procurements that a school district would perform under the ICA. Benefits include:

- KCDA bids and awards contracts following all applicable laws and rules.
- Volume pricing to save money.
- Saves time and effort by avoiding duplicate bids.

Statutes date to 1943 authorizing cooperative purchasing and procurement for schools. The ICA statute addresses the role and performance on behalf of members' signatory to the interlocal agreement (ILA). The statute allows for participation by any public agency in the state or other states. KCDA is a 501(c)(3) nonprofit entity. The agency is not directly funded by another agency budget. KCDA can collect service fees based on the value of each transaction. Fees are collected from members or are included in the bid price and remitted after a vendor transaction.

KCDA is governed by a board of directors comprised of elected school board members from King County representing 20 school districts. The State Auditor's Office (SAO) audits the organization annually. KCDA has received nine consecutive no findings audits.

The association is a public procurement contracting agency and serves as a central warehouse for school districts and public agencies. KCDA issues more than 100 invitations to bid annually. Bids are advertised in the Daily Journal of Commerce, on the agency's website, and mailed to registered vendors. All bids are sealed-bid. Mr. Borrow reviewed bid limits for school districts. Supply contracts account for 35% of the purchase volume while capital item procurement contracts account for 65% of the purchase volume. Volume last year was approximately \$100 million.

KCDA also participates in national contracts through the Association of Educational Purchasing Agencies (AEPA), representing education cooperatives from 22 states. KCDA and AEPA prepare joint specifications, separate bids, with bids advertised separately in each state. KCDA's experience with AEPA and during discussions with colleagues in Arizona and Texas led to the decision to pursue job order contracting (JOC). The statute states school districts are eligible for JOC. Based on legal research and interpretation, KCDA can issue request for proposals (RFPs) on behalf of member school districts in Washington and bid on their behalf. School districts can issue awards based on the solicitation for RFPs. KCDA followed all JOC RFP procedures contained in statute. The RFPs were advertised in newspapers of record in all Washington counties.

Of the contracts facilitated by KCDA, four contracts were awarded by school districts. The total value of the contracts over the last two years is \$1,170,000. The KCDA RFP expired on August 31, 2009. The agency has decided not to renew the RFP or pursue additional JOC opportunities on behalf of school districts.

Prior to the last CPARB meeting, KCDA evaluated the program. KCDA agreed to assist school districts in preparing contracts but elected not to bid on their behalf. Current contracts are between school districts and the contractor. It's up to school districts and contractors to extend contracts or issue new RFPs. At this time, KCDA is no longer offering JOC to school districts.

KCDA was established to perform joint procurements for school district members. KCDA is authorized under the ICA to perform all procurement activities member organizations are capable of undertaking individually.

John Lynch asked whether KCDA pursued construction projects involving design and construction of a facility for school districts. Mr. Borrow replied that KCDA's role is not of a general contractor nor does the agency contract with general contractors. The organization does not complete or bid on construction projects.

Representative Dammeier asked whether JOC was the first departure from a factory authorized installation element of the organization's capital purchases. Mr. Borrow affirmed that it was.

In response to questions from members, Mr. Borrow said the capital component has grown over the years primarily due to bond funds. The KCDA has 50 full-time employees.

Discussion ensued on JOC contracts facilitated by KCDA.

**Don Aarts, Bayley Construction**, asked whether JOCs were awarded to Centennial without a public process. Mr. Borrow reported four contracts awarded by school districts used KCDA's solicitation as the basis for utilizing Centennial as the JOC contractor. Mr. Aarts said he understood KCDA offered construction services to school districts with each one allocated to one contract. School district officials are now indicating they are not required to pursue open solicitation and can contract directly with Centennial. Mr. Borrow confirmed that was the intent as it involved one solicitation for eligible school districts. Mr. Aarts asked about KCDA's authority for school districts to sign a JOC contract with Centennial rather than pursuing a public bid process. Mr. Borrow replied that the intent was to pursue solicitation on behalf of school districts enabling them to

contract individually for JOC. Mr. Borrow responded to Mr. Aarts' concerns and indicated the contract with Centennial has expired.

Chair Maruska said the Board questioned whether the solicitation process followed statute. It appears it did. Another issue is whether KCDA could award multiple contracts based on one solicitation process or whether the statute defines a solicitation as one contract with one entity. KCDA's interpretation of the statute involved one solicitation with school district awarding contracts from the solicitation. Mr. Borrow affirmed the organization's position at the time of allowing school districts to utilize a solicitation. However, others are interpreting the statute differently. Chair Maruska said an issue for the Board's consideration is whether to propose legislation clarifying the statute.

Mr. Lynch asked whether KCDA identified a number of JOC contractors during a solicitation or whether only one contract was awarded. Mr. Borrow said initially, the award was one contract statewide. After receiving the results, the organization agreed it wasn't a good idea and all bids were rejected. The modified solicitation asked for regional coefficients, which produced better results. KCDA was prepared to award regionally to different contractors if required. KCDA received two bids at that time. The contractor that was selected was superior to the other contractor. Mr. Lynch asked whether school districts issue a work order or enter into a new JOC contract with the contractor. Mr. Borrow said after the process was finalized, KCDA prepared resolutions and sample contracts that school districts could utilize.

Mr. Aarts asked how KCDA is compensated for JOC contracting. Mr. Borrow said the organization is compensated through service fees from members or vendors. The contract with Centennial required a quarterly 2% contract administration fee payment.

Gary Rowe recommended segregating the issue into two elements of whether the JOC methodology or procedure should be revised and whether the cooperative purchasing process used by KCDA is flawed in some aspects and should be addressed.

Rodney Eng advised that owners need flexibility on how to contract for efficiency purposes. He acknowledged the construction industry wants certainty and accountability. Public owners might determine that the only way for a JOC to work is to have a single JOC. He cautioned against making changes that might prevent that. A single JOC would be subject to the three-year limit and \$4 million cap for each entity.

Members discussed expiration of current JOC contracts held by school districts.

Olivia Yang referred to two competing issues involving opportunities for contractors to perform the work and public agency efficiency through volume purchasing. One approach could entail one solicitation equaling the limit or \$12 million over three years. She agreed the issue regards flexibility.

Daniel Absher agreed. Steps taken by KCDA complied with the statute until the agency allowed multiple districts to award a contract under one solicitation. It was not CPARB's intent for one solicitation to result in separate JOC contracts. He supported the Board reviewing statute language.

Dave Johnson acknowledged previous comments and indicated the issue involving flexibility becomes problematic in terms of adhering to a public bidding process. It makes sense to review and clarify the language to avoid future situations.

**Dan Lincoln, Lincoln Construction**, commented that the purchase of materials is one issue. However, installation of materials is not through a publicly bid process. Smaller general contractors don't have the opportunity to bid on the job, which eliminates competition.

Mr. Borrow clarified that installation and commodity pricing is requested at the time of the public solicitation. Mr. Lincoln replied that most materials do not require factory authorized installation. Mr. Borrow said one objective is ensuring owner warranties are in force.

Mr. Hirst supported the Board moving forward to clarify JOC statute to limit joint procurement. He said he doesn't support reexamining the broader issue of joint purchasing.

Ms. Yang said another option is developing a "best practice paper" rather than drafting legislation.

**Van Collins, Associated General Contractors (AGC)**, commented on the distinction between public works procurement and supply purchasing.

Mr. Eng suggested "best practice" is an opinion. Another option is requesting a legal opinion on whether JOC involves one solicitation for award of one contract, which was the Board's intent. If the Board drafts legislation, the issue could be an element of that work.

Representative Haigh offered to work with Marsha Reilly to review the statute and determine what type of language clarification might be needed. She indicated she'll follow up with the Board at the November meeting. Mr. Eng, Mr. Lynch, Mr. Rowe, Mr. Johnson, and Mr. Absher volunteered to work with Representative Haigh on the issue.

Mr. Aarts asked whether the four JOCs currently facilitated by KCDA are in effect or nullified. Mr. Maruska advised that the CPARB does not have legal authority to render a decision.

#### **Job Order Contracting Data Collection**

Chair Maruska and Ms. Deakins provided background information on the annual job order contracting report. No changes are proposed for the questions section. The definition section was moved to the first page of the report. It was determined that it would be better for the Office of Women and Minority Business Enterprises (OWMBE) to verify certified firms based on tax identification numbers because of discrepancies during the last reporting effort. A new element is asking for the number of change orders for the work orders. A separate line was added because the work includes materials and equipment that a job order contractor could purchase. The total work value includes the total subcontract value plus the direct labor of the JOC. A formula has been included to verify the job order contractor subcontracted 90% of the JOC per state statute.

There were no objections from the Board on the proposed changes.

Mr. Johnson said additional detail is a good idea. Applying the 90% subcontract threshold to the entire contract rather than by work order makes sense.

Mr. Kommers said tracking all subcontractors and work self-performed by the JOC by work order is practical.

**Ed Kommers moved, seconded by David Johnson, to approve the annual job order contracting report format as presented.**

Ms. Deakins and Chair Maruska responded to questions on completing the form and how data will be utilized. Data will reveal how often a job order contractor uses the same subs on a work order, participation by women and minority firms, and to assist JOCs in outreach to firms.

Mr. Eng asked whether job order contractors could complete the report online on an ongoing basis. Ms. Deakins said not at this time. If the Board authorized GA to develop a web-based system, GA could develop a proposal for consideration.

Chair Maruska pointed out the owner holding the JOC is responsible for completing the report.

Mr. Rowe asked if it would be useful to add a line on whether the contract was completed under a cooperative purchasing agreement. Ms. Deakins said a line could be added to the report at a later date.

**Motion carried unanimously.**

Ms. Deakins reported the intent is to distribute the report to owners in October. Owners will have until December 1, 2009 to complete the surveys. The OWMBE will have until mid-January 2010 to verify certified firms. The task force will report back to the Board in February 2010.

Chair Maruska recessed the meeting from 10:38 a.m. to 10:59 a.m. for a break.

**Report on Budget**

Ms. Deakins reported the Board is funded from GA's general fund. The original budget in May 2009 was \$271,000, which was reduced by 2% in July. The current budget is \$245,000. The budget provides a contingency for two additional meetings. The most significant budget reductions are data analysis and information services web and data support. The latter will be implemented in October 2009. Another element of data collection concerns the team survey for non-JOC projects that the Board discussed and approved last year. An online data collection system is operational for Design Build (DB), GC/CM, and Design Bid Build (DBB) projects. GA did not have the funds or staff resources to implement the team survey component with the data collection effort. The online system collects data from owners. The team survey focuses on contractors, subcontractors, and designers to gain a better understanding of the project.

Ms. Deakins reviewed staffing assumptions and costs for PRC and CPARB meetings. The budget for the last biennium was \$242,000 with \$204,750 expended. The Board did not engage in data analysis during the last biennium.

Chair Maruska commented that other issues could emerge through data analysis. The analysis must be completed in 2012 as part of the sunset provision.

Discussion ensued on the \$7,950 allocation for information services web and data support for October 2009. Ms. Deakins said it enables CPARB administrative staff to post to the website and to add the team survey to the data collection effort. Representative Haigh commented that it's some of the most critical work as part of the sunset review. Data will drive critical decisions. The investment is important.

Conversation followed on staffing assumptions for the data analysis component. There are additional funds of \$19,900 allocated for the second half of the biennium to support the work.

Norman Strong commented that the summary is informative. He pointed out that work undertaken by task forces is not encapsulated in the budget and is of value.

Chair Maruska proposed documenting in-kind contributions for reporting purposes to the Legislature and others. Representative Haigh agreed with including a line for in-kind contributions of members through task forces and other efforts. Senator Brandland agreed in-kind contribution is important information to document.

Discussion ensued on a report GA is preparing on the effectiveness of boards and commissions for the Office of Financial Management (OFM). Ms. Deakins reported the report on state boards and commissions is completed every two years. Chair Maruska reviewed questions in the report and suggested PRC actions should also be included.

Representative Haigh commented on the importance of the information. A commission has been convened to review state commissions and board effectiveness. The value of the work performed by the Board is presented to the Legislature. The Governor's Office is obtaining information and could introduce another bill to reduce the number of state boards and commissions. The Legislature recognizes much work is accomplished on a voluntary basis. It's important to include as much information as possible.

Ms. Deakins reported the deadline to submit the report is September 11, 2009 at noon. Items included in the report include four of the six bills that were adopted during the last session, advice to the Legislature on public works processes, the PRC's role for ensuring public owners are qualified to complete projects, and the appropriateness of projects to use alternative public works (APW) methodologies.

Representative Dammeier suggesting adding "innovative" and "making maximum effective use of capital dollars" to the report.

#### **Task Force Status Reports**

##### ***UW Husky Stadium Method Evaluation Report – Nancy Deakins***

Chair Maruska reported the Board previously approved the University of Washington (UW) Husky Stadium method evaluation report. Ms. Deakins said GA is required to conduct an internal review of external reports prior to forwarding the report to the Legislature. GA staff is meeting with Ms. Yang later in the day to review outstanding issues.

Mr. Lynch said GA will forward the report together with a cover letter from Chair Maruska within the next several days.

##### ***Developing Guidelines for DBOM and PRC – Olivia Yang***

Ms. Yang said she'll provide a report during the November meeting.

##### ***Integrated Project Delivery/Best Value – Norman Strong/John Lynch***

Mr. Strong reported he and Mr. Lynch are leading the Integrated Project Delivery (IPD) and Best Value Contracting/Competitive Negotiation (BV) Task Force. The task force of approximately 30 members met several times and discussed challenges facing public owners, builders, architects, and engineers, actions that can be accomplished without necessitating the need to change statutes defining DBB, DB and GC/CM project delivery models, and actions that can be pursued to recommend changes to statutes eliminating barriers to current project delivery issues. Members received copies of the task force meeting summaries. One outcome is developing a draft paper on the two IPD scenarios. A writing team was established to synthesize input from the two meetings and draft the paper. The task force will discuss the draft paper at its October meeting along with BV. The goal is presenting the draft paper to the Board in November for review and approval. The BV guideline could be released at that time. Potential changes to the statute could be considered for the 2010 or 2011 legislative session.



Mr. Lynch reported on October 8, 2009, the task force might also discuss potential legislation for BV that could include a pilot project for consideration by the CPARB on November 12, 2009.

**Legislation Effective July 26, 2009**

Ms. Deakins reported House Bills (HB) 1195, 1196, 1197, and 1199 involved Board initiated legislation adopted during the 2009 legislative session. She reviewed the outcome for HB 1847 on public works bid limits.

Ms. Deakins reviewed elements of Senate House Bill (SHB) 1555 addressing the recommendations of the Joint Legislative Task Force on the underground economy in the construction industry.

Other public works bills adopted during the session included:

- Substitute Senate Bill (SSB) 5613 – Stop work/workers compensation
- Engrossed Substitute Senate Bill (ESSB) 5873 - Regarding apprenticeship utilization
- SB 5903 – Public works contracts for residential construction
- SSB 5904 - Establishes standards for what constitutes an independent contractor with respect to prevailing wages

**Bidder Responsibility & Eligibility**

Mr. Kommers reported the tools of bidder responsibility and subcontractor eligibility are often misused, misinterpreted, or misapplied. Clarifying the use of contractor pre-qualification and bidder responsibility criteria are general contractor issues as well. One idea is developing public owner training facilitated by the Board and AGC Education Foundation.

Specific to responsibility, many owners are not paying attention to guidelines developed by the task force, which are posted on the Board's website. At times, it appears public owners are restricting and/or selecting bidders based on the criteria.

Many of the same problems also apply to eligibility. Mr. Kommers recommended convening a task force to explore the issues and develop supplemental information for public owners. Training is an option. However, a challenge is owners attending training. Statute changes are also appropriate. Some elements concerning eligibility in the GC/CM statute are not practical and should be addressed. He said he doesn't plan on drafting language prior to the 2010 legislative session, but is interested in participating on a task force.

Mr. Strong said the IPD/BV task force also recognizes bidder responsibility and eligibility as a significant challenge. Public owners on the IPD/BV task force could help develop recommendations for consideration.

Mr. Eng shared that the City of Seattle is applying some pre-qualification on a number of projects, which does not appear to limit competition. The last three projects received 10 bidders. He commented on the inevitable occurrence where a low bidder might make significant errors when there's a pool of 10 to 15 bidders.

Mr. Kommers acknowledged the comments. The City of Seattle recently produced a package for utility and/or roadwork and asked contractors to comment on the proposal prior to bid closure. Seattle is now hosting a workshop on responsibility criteria, which is beneficial. Those are the types of activities that the task force is hoping to promote along with experts owners can contact to review packages before publication.

Mr. Johnson indicated he would like to serve on a task force. Chair Maruska agreed convening a task force to research the problem might be warranted.

Additional conversation followed on owners including responsibility guidelines that are restrictive and limit competition.

Mr. Absher suggested deferring the matter until the Board has a chance to learn about the issues and perspectives from construction industry representatives. The subject could be an element of another priority.

There were no objections from members to defer bidder responsibility and eligibility until the CPARB establishes priorities.

Mr. Kommers reported that subcontractors are interested in working on bidder responsibility and eligibility. He asked what other issues the Board might want to consider. Chair Maruska advised that the intent is identifying issues requiring draft legislation for the next session that the Board could take action on in November. Mr. Kommers said he's unsure what else the CPARB can absorb. Ongoing issues include IPD and BV.

Ms. Deakins suggested the Board could also develop a work plan for the 2011 session.

**CPARB Priorities for Legislative Actions & 2010 Work Plan**

Mr. Kommers said he supports the possibility of convening a task force to discuss bidder responsibility and eligibility issues during November/December 2009. Subcontractors have not identified other legislative priorities for 2010.

Mr. Absher provided an overview of general contractor issues not necessarily requiring draft legislation for the 2010 session:

- Selection of mechanical and electrical contractors in GC/CM
- Clarify use of contractor pre-qualification and bidder responsibility criteria
- Marking lateral utility lines
- Insurance alternatives to subcontractor bonds (informational at this time)

**Mike Myette, Executive Director, Utility Contractors Association of WA**, provided additional information on clarifying responsibility for marking lateral utility lines. The association also wants notification when laterals are marked. Proposing some language during the 2010 legislative session is preferable.

Mr. Absher said it's difficult to determine whether the issue is controversial until members have a chance to review a draft proposal.

Mr. Hirst reported that Mr. Ahlers has indicated a willingness to chair a task force. He agreed with Mr. Absher's comments.

Ms. Yang added that higher education is interested in developing a white paper for IPD.

Mr. Lynch said another owner bill could include a BV pilot. One option is allowing qualifications in addition to price for a limited number of projects to see how it works.

Chair Maruska shared that the Port of Seattle endorses evaluating BV.

Mr. Eng said the City of Seattle supports implementing strategies to ensure project efficiencies.

Mr. Rowe addressed an issue for consideration involving public owners providing utility companies with an opportunity to redesign projects to reduce impacts.

Mr. Johnson indicated the off-site prefabrication bill (EHB 1836) is of interest to labor.

Ms. Cooper said pre-qualification is an issue of importance to OWMBE.

Members discussed a bill related to expansion to negotiate and whether to include it within a 2010 legislative package.

Representative Haigh requested including a review of 2010 bills on the Board's February meeting agenda.

Mr. Kommers pointed out the CPARB approved a change to the DB definition for modular. The change should be included in legislation proposed for Section 39.10.

**Set Next Meeting Agenda**

Members agreed the focus of the November 12, 2009 meeting will be legislative action items, IPD, and BV.

**Adjournment**

With there being no further business, Chair Maruska adjourned the meeting at 12:20 p.m.

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Robert Maruska, CPARB Chair

Prepared by Cheri Lindgren, Recording Secretary  
Puget Sound Meeting Services